



**“The City With a Heart”**

Larry Franzella, Mayor  
Jim Ruane, Vice Mayor  
Ken Ibarra, Councilmember  
Irene O’Connell, Councilmember  
Chris Pallas, Councilmember

## **MINUTES**

### **CITY COUNCIL - REGULAR MEETING**

**July 26, 2005**

#### **THIS IS TO CERTIFY THAT:**

The San Bruno City Council met in regular session on July 26, 2005, at 1555 Crystal Springs Road (Senior Center) and the meeting was called to order at 7:00 p.m.

Mayor Franzella thanked the **San Bruno Garden Club** for providing the beautiful floral arrangement.

- 1. ROLL CALL:** Presiding was Mayor Franzella with Councilmembers Ruane, Pallas, O’Connell and Ibarra in attendance. Recording was City Clerk Simon. Parks and Recreation Director Mazzuca led the PLEDGE OF ALLEGIANCE.
- 2. REVIEW OF AGENDA:** There were no changes made.
- 3. APPROVAL OF MINUTES:** The regular City Council meeting minutes of July 12, 2005, were approved with an amendment to page 3 of 7 item 9.a, to read, “ On the day of July 4, 2005, there were no fires or injuries caused by safe and sane or illegal fireworks.” **M/S Franzella/Ibarra** to approve and passed by unanimous vote.
- 4. CONSENT CALENDAR:** All items listed are considered routine or implement an earlier Council action and may be enacted by one motion; there will be no separate discussion unless requested by Councilmember, citizen or staff.
  - a. Approve: Payroll** of July 15, 2005.
  - b. Approve: Accounts Payable** of June 27, 2005. (Council Packets Only, copy is available for review at the City Clerk’s office.)
  - c. Accept: Reconciliation of General Ledger** to bank reports and the **Investment** reports dated June 30, 2005, by City Treasurer Karen Hornung.
  - d. Approve:** Adoption of a resolution with notice of intent to amend Personnel Rules & Regulations to **revise the job description and specifications** for Plan Review Engineer, Senior Building Inspector, Nutrition Site Manager, and Information and Referral Specialist. Sets San Bruno City Council public hearing date of August 9, 2005.

**M/S Ibarra/O’Connell** to approve the consent calendar and passed by unanimous vote.

#### **5. PUBLIC HEARINGS:** (Notices have been published, posted, and/or mailed as required.)

- a.** Hold public hearing for an appeal of a Planning Commission decision to approve use permit 05-13 and minor modification permit 05-06 to allow a 734 sq. ft. addition to property located at **468 Chestnut Avenue**, which proposes a .68 floor area ratio and 46% lot coverage pursuant to section 12.200.030.B.2 and 12.120.010A.1 of the San Bruno Zoning Ordinance.

City Attorney Thompson gave instructions to the City Council that they must describe any communications they have had with project applicants and opponents so everyone is informed. She asked Vice Mayor Ruane to disclose his relationship with Mr. Rod Tosetti from whom he had received several e-mails regarding this project.

**Vice Mayor Ruane** said he had received emails from Mr. Tosetti, one of the appellants, and had included a copy of them in the staff report in the Council packet. He visited the site and met with both the applicant and appellants. He has known Mr. and Mrs. Tosetti for many years but has not made a decision on the matter before the Council. City Attorney Thompson asked if he could deliberate in a fair and impartial manner and the reply was yes he could.

Senior Planner Aaron Akin gave the staff report and reviewed the history of the application for an addition at 468 Chestnut Avenue. The application has been in process since February 2005.

**Vice Mayor Ruane** asked if modifications were made before the application was presented to the Planning Commission. Planner Akin replied yes, when the application was submitted, staff had the applicant reduce the overall scope of the project before Architectural review.

**Vice Mayor Ruane** asked how the Planning Department measures actual height of the building? Planner Akin replied that the average is taken at the mid point or from the dirt to the roofline. The average height is 32 feet on this addition.

**Councilmember Pallas** asked that since this addition is less than 50% of existing living area why is the owner being required to obtain approval and won't we get sued if we deny this request? Planner Akin replied that there are other guidelines, which must be met; in this case, the floor area ratio and lot coverage guidelines are being exceeded.

City Attorney Thompson said this application requires review and as long as the Council's decision-making is reasonable the City should be in good shape.

**Councilmember Ibarra** said decks are not counted in square footage. There still may be some view blockage and how do we deal with this issue? Planner Akin replied that some of the concerns were view blockage and steps were taken to reduce the roof pitch.

**Mayor Franzella** opened the public hearing and clarified that Mr. Sieg is the appellant and he along with the owner will be given 5 minutes. **Councilmember Ibarra** asked why only 5 minutes for the appellant? Mayor Franzella said this is the Council procedure and he wants to be consistent.

**Salti Ibrahim** of Chestnut Avenue (Owner) addressed the Council and said he has been living at 468 Chestnut since 1986 and plans to live in his residence the rest of his life. This addition will improve the appearance of his house and improve the neighborhood. It will not affect or change the look of the street in any way. To protect the views of his neighbors he did not put the addition on top of his garage and is going out back. He has followed all the rules of the City and tried to make his neighbors happy. He is only trying to make his house more livable and he feels bad that his neighbors are not supporting his project and does not feel anything else can be done to please them. He wants his right to improve his home. He thanked the planning staff for all their efforts.

**George Dayeh** the applicant and designer of the addition said Mr. Ibrahim is the only homeowner with a flat roof, which has made many of the views possible. The views affected by this addition are between 12 and 33 percent, which is the least possible. As far as privacy, there is no more or less than what currently exists.

**Randolph Sieg** of Chestnut Avenue (appellant) addressed the Council and said he is the neighbor directly next door to the applicant Sal and Mary Ibrahim. He is disappointed in the poor communication and inaccurate information given out by both the Ibrahims and the Planning Commission. Eleven neighbors surrounding this addition do not believe it is keeping with the character of the neighborhood. There has been no notification of the proposed plan and he was never contacted by Sal or Mary Ibrahim to discuss these plans and neither were the other neighbors. There were 17 issues of concerns brought to the Peninsula Conflict Resolution Meeting and only 3 issues were resolved. Based upon measurements, the height of this addition is 40 feet not 32 as stated by staff. The proposal will result in a loss of view and decrease in property values.

**Mayor Franzella** asked Mr. Sieg whom he received information from, which was left on his doorstep today, and the reply was the City Council Staff report on this agenda item. City Manager Jackson said it is normal practice to provide a copy of the staff report to those directly affected by the action item on the agenda.

**Councilmember Ibarra** said a statement was made that no project on this property would be satisfactory and asked Mr. Sieg if an addition on the upper floor instead of to the rear would be satisfactory and the reply was “no”.

**Councilmember Ibarra** said this proposal was for a sixteen-foot expansion and what number would be satisfactory and the reply by Mr. Sieg was “12”.

**Harold Greene** of Chestnut Avenue has a concern that there would be no green belt between the homes. He does not go for a 40-foot building. At 1448 Niles Avenue an addition being built will overshadow the small homes in the area. Homes should not be built one on top of each other. He believes this home will be used as a tri-plex not a single-family home.

**Bernadine Fainesi** of Chestnut Avenue said she has lived in her home for 50 years. She wants top dollar for her home when she sells and has a view, which will be diminished, and the value of her home will be reduced if this addition is approved. This plan needs more study and the view should be saved for the neighbors.

**Alan Lubke** of Fleetwood Drive said he attended the Planning Commission meeting last Tuesday and a similar structure had a staff recommendation to disapprove. It seems the Planning Commission has been inconsistent and what is the difference with the home at 2550 Catalpa Way in Rollingwood?

**Rod Tosetti** of Chestnut Avenue said any communications he had with Vice Mayor Ruane was strictly informational only. Whatever the outcome tonight the Council needs to address houses being built to the rear property line. We will end up with a concrete City and what about view rights? There is a value to your view that must be maintained and protected. A staff of two people who do not live in San Bruno are telling you this is the best addition proposed since “sliced bread” and you have eleven long-time San Bruno residents telling you this is not good for us.

**Mayor Franzella** said the fact that the two staff members do not live in San Bruno is totally unimportant to this issue. The Planning Commissioners will make the decision and they are all San Bruno residents appointed by this City Council. The staff did not do anything wrong. They are paid to give their recommendations.

**Bobbie Reid** of Chestnut Avenue said nothing that the people have said or done has been listened to or considered and how many people from the Planning Commission and City Council have visited the site? **Mayor Franzella** replied that this is a “DeNovo Hearing” starting from scratch and the City Councilmembers have viewed the site. The report says it will not block the air or sunlight and that is not true. She feels a decision has already been made. The building will obstruct her view to the south and sunlight will be reduced. The slide show does not show how the neighbors are affected.

**Andrew Zarri** of Beech Avenue feels this is an imposing figure and will reduce sunlight and circulation. Moving out 16 feet will cut the sun in his backyard.

**M/S Ruane/Pallas** to close the public hearing and passed by unanimous vote.

**Vice Mayor Ruane** said he had heard the neighbors were not going to live with any addition but tonight Mr. Sieg said reducing expansion from 16 to 12 feet might be acceptable. People on the Peninsula can’t just move to a larger home because of the cost so they improve their lifestyle by doing reasonable improvements. We do have to address the use permit process at a future study session. There will be a large wall and some neighbors will be impacted.

**Councilmember Pallas** said house prices are going up regardless of this addition. He has seen the property and it has a nice yard. Going within 10 feet of the property line will impact the neighbors. He understands the owners have a right to improve their property. We should compromise so both sides can win.

**Councilmember O’Connell** asked the staff to clarify some of the numbers, which are being used by both sides and are very much different. Is the height 32 or 40 feet? Planner Akin replied 32 feet. Is this addition 10 or 19 feet from the fence? Planner Akin replied 19 feet from the fence and the deck is 13 feet from the fence. People are concerned about a “Tri-Plex” or 3<sup>rd</sup> story, what is this about? Planner Akin replied the crawl space is only 7 feet tall and a condition of approval is for storage only. This area is zoned for R-1 single family only and not as a duplex or tri-plex. Everyone within 300 feet of the applicant received a notice that is sent out 10 days prior to the hearing.

**Councilmember Ibarra** said he did meet with both the applicant and Mr. Tosetti since Mr. Sieg was not home. What is unfortunate is that these are all long-standing neighbors. Our Planning Department has a very good staff and the ordinance we use is very fair. The fact we don’t have view restrictions is not their fault. We should not accuse someone of breaking the law with illegal units when nothing has happened at this point. He has a concern that after 3 hours of mediation, there was very little give on the applicant’s part to reduce the size of the project. If I designed the project I would go only 14 feet not 16 feet. There needs to be more effort on both sides to work this out. I will not deny an addition to this home but hope we can make a revision to the plans.

**Mayor Franzella** asked who verifies the height is only 32 feet. Planner Akin said planning staff would verify if plans are approved. Mayor Franzella said in the future we should have an agreement to record any condition such as use of basement for storage only because future owners will claim no one informed them and this becomes a code enforcement issue. The property at 2550 Catalpa Way in Rollingwood was a 4500 square foot home with 12 bedrooms, hardly similar to this project.

**Mayor Franzella** asked the applicant if he just wanted a decision or would meet again with the neighbors to resolve some of the issues?

**Councilmember Ibarra** said if we bring the expansion back to 14 feet and take 4 feet off the family room and living room it would minimize the large addition hanging over the deck.

**Mayor Franzella** called for a five-minute break to give the applicant and owner time to talk about a compromise. Meeting recessed at 8:40 p.m.

**Mayor Franzella** reconvened the meeting at 8:45 p.m.

**Mayor Franzella** recommended the application be sent back to the Planning Commission without prejudice in order to reduce the scale of the project.

**Sal Ibrahim** said he would like a decision made tonight. This application has been pending since February 2005 and many meetings have already been held. He will reduce the master bedroom 2 feet and the living room 4 feet. He does not want to start this process all over again.

**Mayor Franzella** asked the City Attorney if we need new drawings before the Council can approve? Attorney Thompson replied that yes, the Council can approve these amendments without new drawings since they are minor in nature.

**Vice Mayor Ruane** asked how soon could we come back to the Council with drawings showing the changes? Planner Aknin replied that the Council could put this in the form of a condition for approval tonight if that is desired. Vice Mayor Ruane said those appealing this project should be allowed time to review any changes being suggested.

City Manager Jackson said this item could be placed on the August 9, 2005, City Council agenda if so requested by the Council.

**Mayor Franzella** said we would continue this item until the August 9<sup>th</sup> City Council meeting.

**Sal Ibrahim** asked what would happen with the neighbors if they want nothing to happen?

**Mayor Franzella** replied that hopefully everyone would get together because we will make a decision on August 9, 2005. City Manager Jackson said we would need the new drawings on Monday afternoon. The Council can re-open the public hearing tonight and allow public comment at the next meeting.

**M/S Ruane/O'Connell** to re-open the public hearing passed by unanimous vote.

**M/S Ruane/O'Connell** to continue this hearing until the August 9<sup>th</sup> City Council Meeting and passed by unanimous vote.

- b.** Continued public hearing on an Ordinance of the City Council of the City of San Bruno Approving a **Third Amendment to Development Agreement** between the City of San Bruno and Martin/Regis San Bruno Associates, L.P. for The Crossing|San Bruno Project for Development of the El Camino Real Commercial Project.

**Mayor Franzella** announced that this hearing has been continued until the August 9, 2005 Council Meeting.

## **6. UNFINISHED BUSINESS: None**

## **7. CALL FOR, PRESENTATION OF BIDS, and AWARD OF CONTRACT.**

Public Works Director Munns recommended the City Council adopt Resolution Authorizing the City Manager to Execute a Contract with Layne Christensen Company for the **Well 15 Rehabilitation Project** in the Amount of \$53,489 and Authorizing a project Appropriation of \$66,400 from the Water Enterprise Capital Fund.

Director Munns gave the staff report to the City Council. Well 15 is the City's oldest well and it is in decline. The Council Ad Hoc Committee met on June 17<sup>th</sup>, 2005, and is recommending rehabilitation of the well if possible.

**Councilmember Ibarra** asked if rehabilitation will make this well like new or are we buying just 5 more years of life for it? Director Munns replied you are buying additional time and production will not go back to 500 gpm and hopefully back to the reduced amount of 350 gpm. After test pumping is done a new pump and motor will need to be installed.

**Councilmember Pallas** asked if there was a way to prevent wells from failing by having preventive maintenance done on them? Director Munns replied that submersible pumps have burned out and their life is about 7 years.

**Councilmember Pallas** asked if we will have problems with the Lions Field Well and does South San Francisco and Daly City have similar problems? Director Munns replied that they have also had some problems with their wells. In the future the City should move away from submersible pumps and motors and require all wells to be vertically plumb. Many existing wells do not have vertical shaft alignment.

**Councilmember Pallas** said if the wells are not plumb someone has goofed.

**Councilmember O'Connell** introduced the resolution for adoption with a roll call vote of all ayes. The Council noted that the drawings of the well shaft and motor in the staff report were very helpful.

**8. COMMUNICATIONS:** A request for information was received from Mr. Lubke concerning the arrests, which were made for possession and use of illegal fireworks, and the Chief of Police will provide whatever information can be made available at this time.

## **9. STAFF REPORTS:**

### **a. Receive status report on well production.**

Director Munns reported that Well 15 was covered earlier in the meeting. The Lions Field and Corporation Yard wells are in production and operating satisfactorily. Well 16 is under repair now and should be concluded this week and back in production soon. Well 18 has the inner casing removed and the problem is air getting into the water and this well needs rehabilitation after 8 years of production.

**Councilmember O'Connell** asked where the monitoring wells to check for salt-water intrusion would be located? Director Munns replied there would be two clusters; one at the Airport and one at the City of Burlingame bayside public right a way.

**Councilmember Pallas** said Well 20 is doing very good at this time and has the water level changed and can we reduce the amount of production? Director Munns replied that the ground water level has remained constant and yes we can reduce the amount of production at this well.

- b. Receive oral report on activities of the **North County Gang Task Force** and details of the Operation Safe Summer Program and **Graffiti Abatement efforts**.

Chief of Police Violetta gave a detailed report concerning gang activity and graffiti abatement efforts. We are seeing an increase of gang activity and graffiti in all of San Mateo County and San Bruno is also being affected. The City of San Bruno remains a very safe community but we are seeing some problems. There have been a number of arrests for vandalism and graffiti. To report graffiti that is old call 616-7141 and if you see it in progress call 911. Please report to the police any groups of individuals hanging around street corners. We need the help of the community. Many of these incidents are occurring at 1 and 2 a.m. and parents should be aware what their kids are doing.

**Councilmember Pallas** said the Project Pride Committee would go out and clean up the graffiti in town. It is important to get rid of it right away or it will multiply. Kids with cell phones should call 911 if they see any problems. Chief Violetta said we must stay on top of this problem and homeowners should remove graffiti as soon as possible.

**Councilmember O'Connell** said she has noticed that the U.S. Postal Mail boxes are being tagged by graffiti on a regular basis and do we have a process to clean them up? Chief Violetta said it has been difficult to get permission from the Post Office to remove and this is special color paint, which is hard to match.

**Councilmember Ibarra** thanked the Chief for the report and update. We do have a problem, while not as bad as some communities, this needs our attention. Are we working with the high schools? Chief Violetta replied we have school resource officers working at both Capuchino High and Peninsula High. Parents must be aware of what their kids are wearing in terms of color of clothing to detect and prevent gang activities.

**Councilmember Ibarra** asked if we are on top of the graffiti problem and what more can the community do? Chief Violetta replied that permission from property owners to remove requires time to obtain and they should be encouraged to remove immediately. The community needs to report to the police department as soon as they spot it.

- c. City Manager Jackson recommended the City Council adopt resolution approving amendment and restatement of the Joint Powers Agreement Establishing the **Peninsula Traffic Congestion Relief Alliance**.

**Vice Mayor Ruane** introduced the resolution for adoption with a roll call vote of all ayes.

- d. Library Services Director Jackson recommended the City Council accept a **Local History Digital Resources Program Grant** in the amount of \$6,000.

Director Jackson gave the staff report to the Council. This will preserve the history of the community and will be on a statewide network for easy access.

**Councilmember Ibarra** asked what would happen to the original photographs? Director Jackson replied that the Library would maintain them after being put on the Internet.

**M/S Ruane/Ibarra** to accept the grant and passed with a unanimous vote.

- e. City Manager Jackson recommended the City Council adopt resolution-approving amendments to the **Airport/Community Roundtable** Memorandum of Understanding.

**Councilmember Ibarra** introduced the resolution for adoption with a roll call vote of all ayes.

- f. Chief of Police Violetta recommended the City Council accept grant funding in the amount of \$71,066 from the State of California Office of Traffic Safety and authorize the City Manager to proceed with the grant approval process and to administer a **Pedestrian Safety Program and a Driving Under the Influence Enforcement Program.**

**M/S Ruane/Ibarra** to approve the grant and passed with a unanimous vote.

## **10. REPORT OF CITY ATTORNEY - RESOLUTIONS & ORDINANCES: None**

## **11. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:**

**Alan Lubke** of Fleetwood Drive corrected spelling of his name in the minutes. He has fought for freedom in the jungles of Vietnam. It appears the campaign has started since one of the members in the audience is wearing a campaign button supporting Councilmember Ibarra.

**Mayor Franzella** clarified for the audience at home that the member mentioned is not a staff member. All parties have been informed of the rules and regulations and there is no violation.

**Mr. Lubke** said there has been a violation of a trail of trust and privacy by the police department. He delivered a letter marked personal and confidential for the Chief of Police and the Acting Chief of Police opened it and this was sensitive information for Chief Violetta only. I have not heard from Chief Violetta and am waiting for that acknowledgement. Mayor Franzella said there would be a reply soon.

**Robert Riechel** of 7<sup>th</sup> Avenue thanked the City of San Bruno Staff for their assistance with the permit request from San Mateo County to work on Cupid Row.

**Norma Bureau Elias** of Crestmoor Drive said it has been one month now that graffiti has been placed on the North side of the overpass over I-280 at Crystal Springs Road. She has called the City and reported it but nothing has been done and now the graffiti has spread. Why hasn't this been taken care of?

**Mayor Franzella** said this will be looked into and he will call himself. Mrs. Elias replied she would not run for Mayor if the graffiti were promptly removed.

## **12. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:**

- a. Beautification Task Force Committee (O'Connell) provided update on the 2005 City of San Bruno **Beautification Award Program. The deadline is August 19, 2005.**
- b. The Citizens Advisory Committee for **Caltrain Preferred Grade Separation and Station Design** meeting is scheduled for July 28, 2005, 6:00 p.m. at San Bruno City Hall, 567 El Camino Real in the Sister City Conference Room #115.



**13. NEW BUSINESS:** Closed Session regarding:

- a. City of San Bruno vs. PG&E, San Mateo Superior Court No. CLJ447214 (City costs incurred when **PG&E damaged gas line with back-hoe**) (Cal Gov't Code Section 54956.9(a))
- b. **Cal-Trout** vs. City of San Bruno. (Gov't Code Section 54956.9a.)
- c. Tort claim of **Mark Luttrell** alleging damages from electric shock. (Gov't Code Section 54956.9(b)(1))

**Mayor Franzella** announced that direction would be given to staff and there would be no reportable action.

On a very sad note this meeting will adjourn with a **moment of silence** for **Ruth Kruidenier**, San Bruno's Representative to the Peninsula Library System Advisory Board and long time San Bruno resident who passed away last weekend after suffering a stroke.

**14. ADJOURNMENT:**

With no further business to transact, meeting adjourned to the next regular City Council meeting of Tuesday August 9, 2005, 7:00 p.m. at the Senior Center, at 1555 Crystal Springs Road.

**Respectfully submitted for approval  
at the regular City Council meeting  
of August 9, 2005.**

**Ed Simon, City Clerk**

**Larry Franzella, Mayor**